



28 (ii) call a stored or produced number; and  
29 (iii) connect the number called with a recorded message or artificial voice.

30 (b) "Automated telephone dialing system" does not include equipment used with a burglar  
31 alarm system, voice messaging system, fire alarm system, or other system used in an emergency  
32 involving the immediate health or safety of a person.

33 (3) "Division" means the Division of Consumer Protection.

34 [~~(3)~~] (4) "Established business relationship" means a relationship that:

35 (a) is based on inquiry, application, purchase, or transaction regarding products or services  
36 offered;

37 (b) is formed by a voluntary two-way communication between a person making a  
38 telephone solicitation and a person to whom a telephone solicitation is made; and

39 (c) has not been terminated by either party.

40 [~~(4)~~] (5) "Facsimile machine" means equipment used for:

41 (a) scanning or encoding text or images for conversion into electronic signals for  
42 transmission; or

43 (b) receiving electronic signals and reproducing them as a duplicate of the original text or  
44 image.

45 [~~(5)~~] (6) "Negative response" means a statement from a party stating the party does not  
46 wish to listen to the sales presentation or participate in the solicitation presented in the telephone  
47 call.

48 (7) "No telephone solicitation list" means the list described in Section 13-25a-104.5.

49 [~~(6)~~] (8) "Telephone solicitation" means the initiation of a telephone call or message for  
50 the purpose of:

51 (a) encouraging the purchase or rental of, or investment in, property, goods, or services;

52 (b) soliciting a sale of or extension of credit for property or services to the person called;

53 (c) soliciting information that will be used for:

54 (i) the direct solicitation of a sale of property or services to the person called; or

55 (ii) an extension of credit to the person called for a sale of property or services; or

56 (d) soliciting a charitable donation involving the exchange of any premium, prize, gift,  
57 ticket, subscription, or other benefit in connection with any appeal made for a charitable purpose.

58 [~~(7)~~] (9) "Telephone solicitor" means any natural person, firm, organization, partnership,

59 association, or corporation who makes or causes to be made an unsolicited telephone call,  
60 including calls made by use of an automated telephone dialing system.

61 ~~[(8)]~~ (10) "Unsolicited telephone call" means a telephone call for a commercial purpose  
62 or to seek a financial donation other than a call made:

63 (a) in response to an express request of the person called;

64 (b) primarily in connection with an existing debt or contract, payment or performance of  
65 which has not been completed at the time of the call; or

66 (c) to any person with whom the telephone solicitor has an existing business relationship.

67 Section 2. Section **13-25a-104.5** is enacted to read:

68 **13-25a-104.5. No telephone solicitation list.**

69 (1) The division shall establish and maintain a no telephone solicitation list of residential,  
70 mobile, and telephonic paging device telephone subscribers who object to receiving telephone  
71 solicitations. The first no telephone solicitation list shall be prepared on or before July 1, 2002.  
72 The division shall update the no telephone solicitation list at least quarterly.

73 (2) (a) Any residential, mobile, or telephonic paging device telephone subscriber desiring  
74 to be placed on the no telephone solicitation list may have the subscriber's name placed on the list  
75 by notifying the division in writing and paying to the division an initial listing fee not to exceed  
76 \$10. A subscriber's listing shall be valid for a period of three years.

77 (b) A subscriber may renew a listing for three additional years by notifying the division  
78 in writing and paying the division a renewal listing fee not to exceed \$5.

79 (c) The subscriber's notification under Subsections (2)(a) and (b) shall be in a form  
80 approved by the division.

81 (3) The division shall provide the most recently updated no telephone solicitation list to  
82 a telephone solicitor upon receipt from the telephone solicitor of:

83 (a) a request for the list; and

84 (b) payment of a list distribution fee not to exceed \$25 per list.

85 (4) Information contained in the no telephone solicitation list is classified as a private  
86 record under Title 63, Chapter 2, Governmental Records Access and Management Act.

**Legislative Review Note**  
**as of 1-28-02 1:35 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**